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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,818	02/04/2002	James R. Hornsby	14002.01	4800

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EXAMINER

CEGIELNIK, URSZULA M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,818

Applicant(s)

HORNSBY ET AL.

Examiner

Urszula M. Cegielnik

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-17 and 21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims, 3-5, 7, 8, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin-Fu (US Patent No. 4,750,641) in view of Lebensfeld et al (US Patent No. 6,302,796).

Chi-Fu discloses a fluid discharge mechanism (33); a light source (40); and a sequential trigger mechanism (18) coupled to the fluid discharge mechanism (33) and to the light source (40), the sequential trigger mechanism (18) includes first (22) and second (24) switch plates ("*pushed against*" [col. 4, lines 19-21] may be interpreted as being slidable) slidably coupled to each other; the conductive portions of reference parts 22 and 24 enable the motor to be actuated (which is operated by battery).

Chin-Fu does not disclose a plurality of light sources; an IR transmitter and receiver.

Lebensfeld et al. disclose a plurality of light sources (74,75); Lebensfeld et al. disclose an IR transmitter (70) and receiver (14) which is (operably) coupled to a trigger mechanism (80).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an IR transmitter and receiver as taught by Lebensfeld et al., since such a modification would provide enhanced interactive play value.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of light sources as taught by Lebensfeld et al., since Chin-Fu states at col. 4, lines 57-58, that such a modification would increase the entertainment value of the toy.

Claims 6 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin-Fu (US Patent No. 4,750,641) in view of Lebensfeld et al. (US Patent No. 6,302,796).and Greenberg et al. (US Patent 6,280,277)

Chi-Fu discloses a fluid discharge mechanism (33); a light source (40); and a sequential trigger mechanism (18) coupled to the fluid discharge mechanism (33) and to the light source (40), the sequential trigger mechanism (18) includes first (22) and second (24) switch plates slidably coupled to each other.

Chin-Fu does not disclose an IR transmitter and receiver; and a trigger lock mechanism.

Lebensfeld et al. disclose an IR transmitter (70) and receiver (14) which is (operably) coupled to a trigger mechanism (80).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an IR transmitter and receiver as taught by Lebensfeld et al., since such a modification would provide enhanced interactive play value.

Greenberg et al. teach a trigger lock mechanism (23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide ^{the modified invention with} a trigger lock mechanism as taught by Greenberg et al., since such a modification would provide protection against unintentional activation of the trigger mechanism.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above, and further in view of Minoura et al. (US Patent No. 6,050,498).

Chin-Fu (US Patent No. 4,750,641) as modified by Lebensfeld et al (US Patent No. 6,302,796), lack an additional tank with trigger and purge valves.

Minoura et al. (US Patent No. 6,050,498) teach a fluid-discharge device having a plurality of tanks (2-6) with associated trigger valves (20-24), and a purge valve (67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide additional tanks with associated trigger valves and purge valve as taught by Minoura et al., since such a modification would allow the toy to be played with to an extended period of time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Urszula M Cegielnik
Assistant Examiner
Art Unit 3711



EUGENE KIM
SUPERVISORY PATENT EXAMINER